

12/14/2006 16:55 FAX 202 783 6031

ROTHWELL, FIGG, ERNST&MANL

DEC 14 2006

008

Appl. No. 10/073,764  
Reply to Office Action Dated October 31, 2006

REMARKS

With the foregoing amendment claims 1, 2, 4-12, 14, 17, and 25-27 are pending in the application. Claims 1, 10 and 25 are the sole independent claims. No new matter has been added by the amendments. Applicants respectfully request reconsideration of the present application.

Claim Objections

Claims 6, 7 and 27 were objected to for informalities. Applicants thank the examiner for pointing out the informalities. Applicants respectfully submit that the objections are now moot in view of this amendment, and that this amendment is automatically allowable because it is made to comply with a requirement of form expressly set forth in a previous office action. 37 CFR 1.116(b)(1). Adopting examiner suggestions is an exception to the rule that amendments after final are not entered as a matter of right. MPEP 714.13

Rejection Under 35 U.S.C. § 112

Claim 7 stands rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter. Applicants respectfully submit that the amendments have adopted the examiner's suggestion and that the rejection is now moot in view of this amendment.

Rejection Under 35 U.S.C. § 103

Claims 1, 2, 4-7, 9-12, 14, 17 and 25-27 stand rejected as unpatentable over Steinberg et al. (US 6,433,818) in view of Hunter (US 6,738,572). Applicants respectfully disagree.

Applicants respectfully submit that Hunter is available as prior art only under 35 U.S.C. § 102(e). Prior art that is available only under 35 U.S.C. § 102(e) may not be combined with other references where at the time the claimed invention was made, the 35 U.S.C. § 102(e) reference (i.e., Hunter), was owned by the same person. 35 U.S.C. § 103(c). In this case, the present Application and the Hunter patent were, at the time the

DEC 14 2006

Appl. No. 10/073,764

Reply to Office Action Dated October 31, 2006

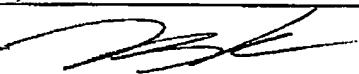
**invention of the present Application was made, owned by the same person or subject to an obligation of assignment to the same person."**

Applicants, therefore, respectfully request that the rejection of claims 1, 2, 4-7, 9-12, 14, 17 and 25-27 as being unpatentable over Steinberg in view of Hunter be withdrawn. With respect to claim 8, claim 8 depends from claim 4. Thus the above remarks for claim 4 apply to claim 8.

**CONCLUSION**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Brian Rosenbloom, Registration No.: 41,276				
SIGNATURE			DATE	12/14/06	
Address	Rothwell, Figg, Ernst & Manbeck Suite 800, 1425 K Street, N.W.				
City	Washington	State	D.C.	Zip Code	20005
Country	U.S.A.	Telephone	202-783-6040	Fax	202-783-6031

1368279\_2